

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1350

Introduced by Senator Romero

February 17, 2006

An act to *amend Section 1797.199 of, and to add Section 1797.1991* to, the Health and Safety Code, relating to trauma care funding, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1350, as amended, Romero. Trauma care funding: regional funding allocations.

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to, among other things, provide statewide coordination of county EMS programs, and to administer the Trauma Care Fund.

Existing law establishes the Trauma Care Fund within the State Treasury and continuously appropriates the funds to the authority for distribution to local trauma care centers. *Existing law requires that local emergency services (EMS) agencies that receive funding pursuant to those provisions distribute those funds to eligible trauma centers, as provided.*

This bill would require that, in order to receive funds pursuant to those provisions, an eligible trauma center submit data requested by the local EMS agency and demonstrate to the local EMS agency that it has appropriately submitted specified data to the local trauma registry. The bill would require a local EMS agency, in determining the distribution of funds to trauma centers, to consider the volume of

uninsured patients treated by the trauma center. By requiring that local EMS agencies comply with those requirements, the bill would impose a state-mandated local program.

This bill would ~~appropriate \$25,000,000 from the General Fund to the Trauma Care Fund for allocation to each of three regions of trauma care,~~ specify that there shall be established in California a statewide inclusive trauma system, for which the authority shall serve as the lead agency, would require the authority to establish trauma care regions, and would require ~~the funding to be used by~~ each region to develop a trauma care plan that will provide for trauma care coverage to the entire region.

This bill would transfer \$25,000,000 from the General Fund to the Trauma Care Fund, for the 2006–07 fiscal year, and would permit moneys in that fund to be used for purposes of the bill, thus constituting an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. (a) The sum of \$25 million dollars*
- 2 *(\$25,000,000) is hereby transferred from the General Fund to the*
- 3 *Trauma Care Fund for the 2006–07 fiscal year.*
- 4 *(b) In addition to those purposes specified in Section 1797.199*
- 5 *of the Health and Safety Code, the Emergency Medical Services*
- 6 *Authority may retain and expend any moneys appropriated to the*
- 7 *Trauma Care Fund in the 2006–07 fiscal year, not to exceed*
- 8 *\$____, necessary for the authority to do all of the following:*
- 9 *(1) Initiate a statewide trauma care system.*
- 10 *(2) Establish trauma care regions, pursuant to subdivision (a)*
- 11 *of Section 1797.1991 of the Health and Safety Code.*
- 12 *(3) Distribute to trauma care regions funds for startup costs.*

1 *SEC. 2. Section 1797.199 of the Health and Safety Code is*
2 *amended to read:*

3 1797.199. (a) There is hereby created in the State Treasury,
4 the Trauma Care Fund, which, notwithstanding Section 13340 of
5 the Government Code, is hereby continuously appropriated
6 without regard to fiscal years to the authority for the purposes
7 specified in subdivision (c).

8 (b) The fund shall contain any moneys deposited in the fund
9 pursuant to appropriation by the Legislature or from any other
10 source, as well as, notwithstanding Section 16305.7 of the
11 Government Code, any interest and dividends earned on moneys
12 in the fund.

13 (c) Moneys in the fund shall be expended by the authority to
14 provide for allocations to local EMS agencies, for distribution to
15 local EMS agency-designated trauma centers provided for by this
16 chapter.

17 (d) Within 30 days of the effective date of the enactment of an
18 appropriation for purposes of implementing this chapter, the
19 authority shall request all local EMS agencies with an approved
20 trauma plan; that includes at least one designated trauma center,
21 to submit within 45 days of the request the total number of
22 trauma patients, and the number of trauma patients at each
23 facility that were reported to the local trauma registry for the
24 most recent fiscal year for which data are available, pursuant to
25 Section 100257 of Title 22 of the California Code of Regulations.
26 However, the local EMS agency's report shall not include any
27 registry entry that is in reference to a patient who is discharged
28 from the trauma center's emergency department without being
29 admitted to the hospital unless the nonadmission is due to the
30 patient's death or transfer to another facility. Any local EMS
31 agency that fails to provide these data shall not receive funding
32 pursuant to this section.

33 (e) Except as provided in subdivision (m), the authority shall
34 distribute all funds to local EMS agencies with an approved
35 trauma plan that includes at least one designated trauma center in
36 the local EMS agency's jurisdiction as of July 1 of the fiscal year
37 in which funds are to be distributed.

38 (1) The amount provided to each local EMS agency shall be in
39 the same proportion as the total number of trauma patients
40 reported to the local trauma registry for each local EMS agency's

1 area of jurisdiction compared to the total number of all trauma
2 patients statewide as reported under subdivision (d).

3 (2) The authority shall send a contract to each local EMS
4 agency that is to receive funds within 30 days of receiving the
5 required data and shall distribute the funds to a local EMS
6 agency within 30 days of receiving a signed contract and invoice
7 from the agency.

8 (f) Local EMS agencies that receive funding under this chapter
9 shall distribute all those funds to eligible trauma centers, except
10 that an agency may expend 1 percent for administration. It is the
11 intent of the Legislature that the funds distributed to eligible
12 trauma centers be spent on trauma services. The funds shall not
13 be used to supplant existing funds designated for trauma services
14 or for training ordinarily provided by the trauma hospital. ~~The~~
15 ~~local EMS agency shall utilize a competitive grant-based system.~~
16 ~~All grant proposals shall demonstrate that funding is needed~~
17 ~~because the trauma center cares for a high percentage of~~
18 ~~uninsured patients. Local EMS agencies shall determine~~
19 ~~distribution of funds based on whether the grant proposal~~ *In*
20 *order to receive funds pursuant to this section, an eligible trauma*
21 *center shall submit data requested by the local EMS agency and*
22 *shall demonstrate to the local EMS agency that it has*
23 *appropriately submitted that data to the local trauma registry. In*
24 *determining the distribution of funds to trauma centers, a local*
25 *EMS agency shall consider the volume of uninsured patients*
26 *treated by the trauma center. Local EMS agencies shall*
27 *determine that the use of funds by a trauma center satisfies one*
28 *or more of the following criteria:*

29 (1) The preservation or restoration of specialty physician and
30 surgeon oncall coverage that is demonstrated to be essential for
31 trauma services within a specified hospital.

32 (2) The acquisition of equipment that is demonstrated to be
33 essential for trauma services within a specified hospital.

34 (3) The creation of overflow or surge capacity to allow a
35 trauma hospital to respond to mass casualties resulting from an
36 act of terrorism or natural disaster.

37 (4) The coordination or payment of emergency,
38 nonemergency, and critical care ambulance transportation that
39 would allow for the time-urgent movement or transfer of
40 critically injured patients to trauma centers outside of the

1 originating region so that specialty services or a higher level of
2 care may be provided as necessary without undue delay.

3 (g) A trauma center shall be eligible for funding under this
4 section if it is designated as a trauma center by a local EMS
5 agency pursuant to Section 1798.165 and complies with the
6 requirements of this section. Both public and private hospitals
7 designated as trauma centers shall be eligible for funding.

8 (h) A trauma center that receives funding under this section
9 shall agree to remain a trauma center through June 30 of the
10 fiscal year in which it receives funding. If the trauma center
11 ceases functioning as a trauma center, it shall pay back to the
12 local EMS agency a pro rata portion of the funding that has been
13 received. If there are one or more trauma centers remaining in the
14 local EMS agency's service area, the local EMS agency shall
15 distribute the funds among the other trauma centers. If there is no
16 other trauma center within the local EMS agency's service area,
17 the local EMS agency shall return the moneys to the authority.

18 (i) In order to receive funds pursuant to this section, an eligible
19 trauma center shall submit, pursuant to a contract between the
20 trauma center and the local EMS agency, relevant and pertinent
21 data requested by the local EMS agency. A trauma center shall
22 demonstrate that it is appropriately submitting data to the local
23 EMS agency's trauma registry and a local EMS agency shall
24 audit the data annually within two years of a distribution from the
25 local EMS agency to a trauma center. Any trauma center
26 receiving funding pursuant to this section shall report to the local
27 EMS agency how the funds were used to support trauma
28 services.

29 (j) It is the intent of the Legislature that all moneys
30 appropriated to the fund, *except what is necessarily retained by*
31 *the authority to initiate a statewide trauma care system, establish*
32 *trauma regions pursuant to subdivision (a) of Section 1797.1991,*
33 *and distribute funds to those regions for startup costs, shall be*
34 distributed to local EMS agencies during the same year the
35 moneys are appropriated. To the extent that any moneys are not
36 distributed by the authority during the fiscal year in which the
37 moneys are appropriated, the moneys shall remain in the fund
38 and be eligible for distribution pursuant to this section during
39 subsequent fiscal years.

(k) By October 31, 2002, the authority shall develop criteria for the standardized reporting of trauma patients to local trauma registries. The authority shall seek input from local EMS agencies to develop the criteria. All local EMS agencies shall utilize the trauma patient criteria for reporting trauma patients to local trauma registries by July 1, 2003.

(l) By December 31 of the fiscal year following any fiscal year in which funds are distributed pursuant to this section, a local EMS agency that has received funds from the authority pursuant to this chapter shall provide a report to the authority that details the amount of funds distributed to each trauma center, the amount of any balance remaining, and the amount of any claims pending, if any, and describes how the respective centers used the funds to support trauma services. The report shall also describe the local EMS agency's mechanism for distributing the funds to trauma centers, a description of their audit process and criteria, and a summary of the most recent audit results.

(m) The authority may retain from any appropriation to the fund an amount sufficient to implement this section, up to two hundred eighty thousand dollars (\$280,000). This amount may be adjusted to reflect any increases provided for wages or operating expenses as part of the authority's budget process.

SEC. 3. Section 1797.1991 is added to the Health and Safety Code, to read:

1797.1991. There shall be established in California a statewide inclusive trauma system. The Emergency Medical Services Authority shall be the lead agency responsible for the development, oversight, and enforcement of the trauma care system. As part of the statewide inclusive trauma system, the authority shall do all of the following:

(a) By April 1, 2007, establish trauma care regions in the state for the purpose of facilitating the coordination of trauma care services within a designated trauma care region. Each trauma care region established by the authority shall consist of a multicounty area, and shall include, at a minimum, one Level I designated trauma center, one Level II designated trauma center, one designated pediatric trauma center, one licensed burn center, and one related rehabilitation services center.

1 **(b)** Upon the establishment of trauma care regions, disburse
2 any funds available for the purposes of regionalization to each
3 trauma care region to accomplish the following:

4 **(1)** Establish bylaws in consultation with the authority.

5 **(2)** Develop a regional plan to coordinate trauma care
6 services within a designated trauma care region.

7 **(3)** Coordinate with other regions for the purposes of
8 establishing an inclusive statewide trauma system.

9 **(4)** Employ a full-time regional trauma care coordinator, who
10 shall report to the local EMS agencies within the region and
11 assist with the implementation of this section.

12 **SEC. 4.** Nothing in this act shall reduce or otherwise
13 eliminate the authority of any local EMS agency or county
14 authority to provide or regulate the provision of emergency
15 trauma care pursuant to Division 2.5 (commencing with Section
16 1797) of the Health and Safety Code, including, but not limited
17 to, trauma care center designation, contracting, and oversight.

18 **SEC. 5.** If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.

23 ~~SECTION 1. Section 1797.1991 is added to the Health and~~
24 ~~Safety Code, to read:~~

25 ~~1797.1991. (a) The amount of twenty-five million dollars~~
26 ~~(\$25,000,000) is hereby appropriated from the General Fund to~~
27 ~~the Trauma Care Fund for purposes of this section.~~

28 ~~(b) The authority shall establish three trauma care regions in~~
29 ~~the state for purposes of allocating funds under this section. One~~
30 ~~region shall encompass southern California, one region shall~~
31 ~~encompass central California, and one region shall encompass~~
32 ~~northern California.~~

33 ~~(c) The authority shall divide and allocate the amount~~
34 ~~appropriated in subdivision (a) equally between the three regions.~~

35 ~~(d) Funds allocated to each region by this section shall be used~~
36 ~~by each region to develop a trauma care plan that will provide for~~
37 ~~trauma care coverage to the entire region.~~